



## TEXAS DEPARTMENT OF INSURANCE

### Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### GENERAL INFORMATION

**Requestor Name**

WESTLAKE ANESTHESIA GROUP (CRNA)

**Respondent Name**

NEW HAMPSHIRE INSURANCE CO

**MFDR Tracking Number**

M4-16-0209-01

**Carrier's Austin Representative**

Box Number 19

**MFDR Date Received**

SEPTEMBER 24, 2015

### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "Please review the documentation below, which provides explanation of the separate services billed verifying that two providers were on this case, as indicated by the QK and QX modifier submitted."

**Amount in Dispute:** \$800.00

### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** The Carrier, New Hampshire Insurance is maintaining that 4/14/2015 date of service has been paid correctly and in accordance with the Texas Workers compensation State Fee Guideline."

**Response Submitted By:** AIG

### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
April 14, 2015	CPT Code 01810-QX Anesthesia Services	\$800.00	\$2.81

### FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.203 set out the fee guideline for the reimbursement of workers' compensation professional medical services provided on or after March 1, 2008.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - Workers compensation state fee schedule adjustment.
  - The services have been paid at fifty (50%) percent of the anesthesia allowance. An anesthesiologist has medically directed the services of a CRNA or anesthesia assistant.
  - Duplicate claim/service.
  - A reduction was made because the provider or a different provider has billed for the same service with different modifier or without a modifier on a previous bill.

## Issues

Is the requestor entitled to reimbursement for code 01810-QX?

## Findings

1. According to the explanation of benefits, the respondent paid \$199.51 to the provider Becky Rubin and \$199.51 to Lisa Evert based upon the fee schedule.
2. 28 Texas Administrative Code §134.203(a)(5) states “Medicare payment policies” when used in this section, shall mean reimbursement methodologies, models, and values or weights including its coding, billing, and reporting payment policies as set forth in the Centers for Medicare and Medicaid Services (CMS) payment policies specific to Medicare.”
3. 28 Texas Administrative Code 134.203(b)(1) states “For coding, billing, reporting, and reimbursement of professional medical services, Texas workers’ compensation system participants shall apply the following: (1) Medicare payment policies, including its coding; billing; correct coding initiatives (CCI) edits; modifiers; bonus payments for health professional shortage areas (HPSAs) and physician scarcity areas (PSAs); and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules.”
4. 28 Texas Administrative Code §134.203(c)(1) states, “...To determine to MAR for professional services, system participants shall apply the Medicare payment policies with minimal modification...For service categories of Evaluation & Management, General Medicine, Physical Medicine and Rehabilitation, Radiology, Pathology, Anesthesia, and Surgery when performed in an office setting, the established conversion factor to be applied is \$53.68...”
5. The requestor billed CPT code 01810-QX defined as “Anesthesia for all procedures on nerves, muscles, tendons, fascia, and bursae of forearm, wrist, and hand.”
6. The requestor billed the disputed anesthesiology service using the “QX” modifier that is described as “Qualified nonphysician anesthetist with medical direction by a physician.”
7. Medicare Claims Processing Manual, Chapter 12, Qualified Nonphysician Anesthetist and an Anesthesiologist in a Single Anesthesia Procedure Section 140.4.2 states “Where a single anesthesia procedure involves both a physician medical direction service and the service of the medically directed qualified nonphysician anesthetist, and the service is furnished on or after January 1, 1998, the payment amount for the service of each is 50 percent of the allowance otherwise recognized had the service been furnished by the anesthesiologist alone. The modifier to be used for current procedure identification is QX.”
8. To determine the MAR the following formula is used: (Time units + Base Units) X Conversion Factor = Allowance.
9. The Division reviewed the submitted medical bill and finds the anesthesia was started at 1156 and ended at 1258, for a total of 62 minutes. Per Medicare Claims Processing Manual, Chapter 12, Physicians/Nonphysician Practitioners, Payment for Anesthesiology Services Section (50)(G) states “Actual anesthesia time in minutes is reported on the claim. For anesthesia services furnished on or after January 1, 1994, the A/B MAC computes time units by dividing reported anesthesia time by 15 minutes. Round the time unit to one decimal place.” Therefore, the requestor has supported  $62/15 = 4.2$ .
10. The base unit for CPT code 01810 is 3.
11. The DWC Conversion Factor is \$56.2.
12. Using the above formula, the MAR for CPT code 01810-QX is  $\$404.64 \times 50\%$  for QX = \$202.32. Previously paid by the respondent is \$199.51. The difference between the MAR and amount paid is \$2.81.

## Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement is due. As a result, the amount ordered is \$2.81.

## ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$2.81 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

### Authorized Signature

_____ Signature	_____ Medical Fee Dispute Resolution Officer	<u>10/23/2015</u> Date
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## YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**